

ORIGINAL

Decision No. 88710 APR 18 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Tom Oliver for  
 Authorization to Secure Water  
 Service to Three Lots with Lot  
 Lines Changed Since January 5,  
 1977, as a Variance to Decision  
 No. 86807

Application No. 57885  
 (Filed February 24, 1978)

ORDER OF MODIFICATION

By Decision No. 84527, dated June 10, 1975, in Application No. 53653 and Case No. 9530, water service was denied to new connections except for a few stated exceptions. By Decision No. 86807, dated January 5, 1977, in Case No. 9530, as modified by Decision No. 87715, dated August 16, 1977, new water service connections were authorized to individual owners of lots of record which were, at the date of Decision No. 86807, zoned for single residential use.

Tom Oliver filed this application requesting an order which would permit him, as a variance to Decision No. 86807, to secure water service to three lots with lot lines changed since January 5, 1977.

In 1975, applicant purchased three lots of uneven size in Carmel, and has since relocated the lot lines to secure more salable property. The original lots met the requirements for a new water service connection. The newly created lots are not the identical lots which were zoned for single residential use at the date of Decision No. 86807; although identical in number and overall perimeter boundaries. Only the interior lot lines were changed. The Commission staff, in a letter dated January 10, 1978, in a similar instance, stated the staff's position, in part, as "it is the staff's position that the Commission modified the ban to afford relief only to those

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'distressed lot owners' whose lots were in existence as of January 5, 1977. The movement of a property line would, of course, alter the lot description and size. Although the change proposed by your letter would not appear to be a significant deviation from the Commission's order, the door may become open to practices which would result in an unjustified demand being placed on Cal-American's water supply."

The California-American Water Company, the local water utility, following the staff position, denied water service to the three lots.

Applicant has submitted supporting copies of "before and after" maps showing the interior lot line changes, with supporting confirmation from the Monterey County Planning Department that the new lots would be recognized as legal building sites.

Under the conditions cited we find that no additional water service connections are being created above the three, one per lot, that were originally justified, and that it is reasonable to provide water service as requested, subject to all other conditions affecting or limiting water service contained in Decisions Nos. 86807 and 87715, including appendices.

After consideration, the Commission concludes that the application should be granted.

IT IS ORDERED that:

1. As an exception to Ordering Paragraph 4 of Decision No. 86807, California-American Water Company shall, upon application, by an owner meeting all requirements of Decision No. 86807, including appendices, provide water service to each of the three lots identified as Lots A, B and C, Block 169, La Loma Terrace, Monterey County, California.

2. In other respects the provisions of Decisions Nos. 86807 and 87715 shall remain in full force and effect.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup> day of APRIL, 1978.

Robert Bateman

President

William J. ...  
Vernon L. ...

Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.